

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-3, 6-8, 13 and 14 are pending in the present application, claims 1 and 9-12 are withdrawn, and claims 2, 3, 6-8, 13 and 14 are under consideration. Claims 4 and 5 are cancelled without prejudice, claims 2 and 3 are amended and new claims 13 and 14 are added by the present amendment.

I. Rejections under 35 U.S.C. § 103

In the outstanding office action, claims 2-6 were rejected under 35 USC § 103(a) as unpatentable over U.S. Patent Publication no. 2001/0054008 to Miller in view of U.S. Patent no. 6,587,827 to Hennig. This rejection is respectfully traversed because Miller and Hennig do not teach or suggest generating delivery instruction data including packaging material designation information, and outputting the generated delivery instruction data to a freight agency, as in the amended independent claims.

Amended independent claim 2 includes similar features as cancelled claims 4 and 5 of “generating delivery instruction data which includes the packaging material designation information, the goods designation information and the delivery destination information in the designation data received in the receiving step,” and further includes features of “transmitting the generated delivery instruction data to a freight agency.” Independent claim 3 is amended to include similar features, support for which is found in the originally filed specification at least at page 6, lines 7-11.

As an advantage, a customer can send a gift that is wrapped in packaging materials of a retailer to a particular destination without having to go to the retailer (see the specification at page 22, lines 12-16). Further, the customer can send gifts, each wrapped in a packaging material of various desired retailers, to various destinations without having to place individual orders to each retailer (see the specification at page 22, lines 18-23).

In contrast, Miller merely discusses a site 500 served by a server 102 which is a “portal page” from which clients browse vendor-managed home pages (see page 11, paragraph 0149 of Miller). Therefore, the server 102 does not act as an agent for the vendors, does not receive any order of products, and consumers must actually access each vendors’ home page to order products. Further, Miller does not teach or suggest “outputting the generated delivery instruction data to a freight agency,” as in amended independent claims 2 and 3.

Moreover, the pending claims are different from Miller also because Miller only discusses that a computer selects a vendor "based on predetermined criteria" (see page 13, paragraph 0176 of Miller), rather than based on user selection as in the pending claims.

Also, Hennig only discusses processing a customer generated order for a product in which a client creates an order event with a preferred supplier, and also does not teach or suggest the features of the independent claims. Accordingly, it is respectfully submitted independent claims 2 and 3 and each of the claims depending therefrom patentably distinguish over Miller and Hennig.

Claim 7 was rejected under 35 USC § 103(a) as unpatentable over Miller and U.S. Patent no. 6,484,169 B1 to Wilsford; and claim 8 was rejected under 35 USC § 103(a) as unpatentable over Miller. These rejections are also respectfully traversed.

Claims 7 and 8 depend on independent claim 3, which as discussed is believed to patentably distinguish over Miller. Further, Wilsford merely discusses supplying a list of product choices to a client computer so a user can select one or more items from the list of product choices, and also does not teach or suggest the features of independent claim 3.

In addition, claims 7 and 8 are also believed to patentably distinguish over the cited references because the cited references do not teach or suggest the additional features of claims 7 and 8. In a non-limiting example, independent claim 7 includes features of "extracting order data whose retailer information indicates a retailer different from that indicated by the retailer information in the goods data corresponding to goods designation information in the same order data." In contrast, Wilsford only discusses tracking customer tendencies, but does not teach or suggest at least these features of claim 7.

Accordingly, it is respectfully submitted claims 7 and 8 also patentably distinguish over Miller and Wilsford.

II. New Claims

New claims 13 and 14 are added to set forth the invention in a varying scope. New claim 13 includes similar features as amended independent claim 2, and is believed to be allowable at least for similar reasons as discussed regarding claim 2. Further, new claim 14 includes features of packaging selected goods in a selected packaging material at a freight agency and shipping the packaged goods to a delivery destination, support for which is found in the originally filed specification at least at page 22, lines 4-11. New claim 14 is believed to also patentably distinguish over the cited references because of these additional features, as well as the reasons discussed regarding amended claim 2.

III. Conclusion

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.


If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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